

MINUTES

UTAH PSYCHOLOGY BOARD MEETING

July 31, 2007

**Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:05 A.M.

ADJOURNED: 2:10 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

John F. Merryweather, Ph.D.
Lori G. Buhler
Leonard J. Haas, Ph.D.
Natalie J. Malovich, Ph.D., Chairperson

Board Members Absent:

Vacant Position

Guests:

Nanci C. Klein, Ph.D., Utah Psychological
Association
Bruce Carpenter, Ph.D.

DOPL Staff Present:

Dee Thorell, Investigator

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the April 24, 2007 meeting were read.

Ms. Buhler made a motion to approve the minutes with minor revisions. Dr. Haas seconded the motion.
The Board vote was unanimous.

APPOINTMENTS:

Probationers

Dr. Malovich commented that, as Board chairperson, she would like to assign the probationers to the Board member who has been conducting the probationary interview. She stated that it is easier to become familiar with the probationer when you are conducting

their interviews each time.

Board members agreed with Dr. Malovich.

Dr. Malovich assigned Dr. Haas to conduct Dr. Ogden's interview, Dr. Merryweather to conduct Dr. Bjornson's interview and Dr. Merryweather to conduct Dr. McCusker's interview. Dr. Malovich stated that she will conduct the interviews for Dr. Czajkowski when she meets with the Board.

10:00 A.M.

Dr. Barbara Ogden, Probationary Interview

Dr. Ogden met for her probationary interview.

Dr. Haas conducted the interview.

Ms. Taxin read the minutes from the last meeting regarding the essay Dr. Ogden submitted.

Dr. Haas reviewed the requirements of Dr. Ogden's probation. He asked Dr. Ogden where she is currently working.

Dr. Ogden responded that she is working at Serenity House.

Dr. Haas asked Dr. Ogden to explain to the Board how she doing in regard to the terms of her probation.

Dr. Ogden responded that she has been working on the terms of her probation. She stated that she has been talking with her therapist who told her he believes she needs to get off probation. She stated that Dr. Simmons asked if she was ready to be released from probation. Dr. Ogden stated that she did not respond to Dr. Simmons, which indicates that she is not ready for probation to be terminated. She stated that her hands are tied while she is on probation and she cannot supervise anyone. Dr. Ogden stated that she is still in therapy with Dr. Poulton. She submitted Dr. Poulton's resume for her probationary file.

Dr. Haas commented that Dr. Poulton was previously approved as her supervisor. He stated that it appears Dr. Ogden is doing everything that

is required of her Stipulation and Order. Dr. Haas stated that Dr. Ogden's comments sound like she would like her probation terminated but she believes she really is not ready yet.

Dr. Haas requested Dr. Ogden to update the Board regarding the position she obtained at Serenity House in May 2007.

Dr. Ogden responded that she is the program director at Serenity House. She stated that her duties include scheduling, reviewing curriculum, making sure time cards are completed properly and turned in and other administrative duties over 4 or 5 clinicians and over 6 or 8 support staff.

Dr. Haas asked if she is doing any clinical services at Serenity House.

Dr. Ogden responded that she does no clinical services at Serenity House. She stated that she does clinical services at Northern Utah Counseling Limited Liability Counseling for about 4 hours a week.

Dr. Haas asked if she has ongoing therapy cases and if she does, what types of cases.

Dr. Ogden responded that she does have ongoing therapy cases that are mostly drug addicts. She stated that she also has one with an eating disorder and has had one with a substance abuse disorder.

Ms. Taxin asked if Dr. Ogden was conducting substance abuse counseling or mental health therapy.

Dr. Ogden responded that she did mental health therapy with the client who had a substance abuse disorder.

Dr. Haas commented that Dr. Ogden's supervisor has written in his report that his position has changed. Dr. Haas asked how Dr. Ogden is going to manage the supervision issues for Dr. Simmons, her supervisor, to review 20% of her clinical files, sit in on her sessions, overseeing issues as necessary

to her clinical practice when he is only at the facility a few hours a day.

Dr. Ogden responded that Dr. Simmons supervises the clinical staff. She explained that the clinical staff talks to him to discuss clinical cases and she meets with him to discuss the Utah Counseling issues. She stated that she also meets once a week with Dr. Simmons.

Dr. Haas asked if Dr. Simmons is physically present at Serenity House on a regular schedule.

Dr. Ogden responded that Dr. Simmons is on a regular schedule but they do not discuss Utah Counseling issues while at Serenity House. She explained that they get together on Tuesday mornings for an hour to an hour and a half. She stated that Dr. Simmons goes over all the charts. Dr. Ogden stated that if she has any questions she calls him. She stated that they talk a great deal on the phone regarding Utah Counseling issues and privately they talk about his probation.

Dr. Haas asked Dr. Ogden to explain her status as a Psychology Resident.

Dr. Ogden responded that her hours have been completed and accepted by DOPL. She stated that she must take the EPPP and Utah Psychology Law and Rule examinations.

Ms. Taxin explained that Dr. Ogden is currently licensed as a Psychology Resident. She stated that Dr. Ogden has completed her hours and submitted her application for Psychologist and has been approved to sit for the EPPP and Utah Law and Rules examinations. Ms. Taxin stated that when the examinations have been completed that she and the Board will review Dr. Ogden's Stipulation and Order and determine what the next step will be regarding Psychology licensing.

Dr. Haas thanked Ms. Taxin for the clarification. He asked when Dr. Ogden is planning to sit for the examinations.

Dr. Ogden responded that she does not have a specific

date yet to sit for the examinations as she has had some pressing issues in her personal life and needs to be able to study for the examinations. She stated that the Division gave her the deadline of one year from the date she was approved to sit for the examinations to complete them or her application would be denied. Dr. Ogden stated that she was approved March 9, 2007.

Ms. Taxin explained that it takes some time to get registered for the EPPP. She stated that Dr. Ogden should not take the examination if she is not prepared but she should know that there is a process and there have been problems with registrations.

Dr. Haas stated that he does not have any recommendations regarding passing the examinations. He stated that Dr. Simmons is submitting the required reports, is accessible to Dr. Ogden and is able to supervise at both places of employment.

Dr. Merryweather commented that it appears Dr. Simmons is stretched thin with supervising Dr. Ogden, supervising 4 or 5 other clinicians and also supervising at Utah Counseling.

Dr. Ogden responded that Dr. Simmons has slowed down but is available as needed.

Dr. Haas recommended Dr. Ogden review her Stipulation and Order requirements with Dr. Simmons to be sure he is clear regarding reviewing her records. He stated that if Dr. Simmons is unable to meet the supervision requirements Dr. Ogden will need to notify the Board for further discussion.

Dr. Haas asked Dr. Ogden if she has completed the required essay to submit for review. He reminded Dr. Ogden that Dr. Carpenter had recommended she take time to think about her essay but to complete it and submit it. He asked if she has completed that assignment.

Dr. Ogden responded that she has given it some thought and is trying to figure out how to write the essay. She stated that it has been difficult as she has tried to do some studying for the examinations and wanted to attend the APA convention. She stated she wants to absorb some of the CE information and then address the essay.

Ms. Taxin reminded Dr. Ogden and the Board that the Board had already approved her CE and would need the documentation of completion.

Dr. Ogden submitted the CE information.

Ms. Taxin asked about the required monthly reports from her therapist, Dr. Poulton.

Dr. Ogden responded that she met with the Board in March and a few days after that appointment Ms. Taxin received the evaluation. Dr. Ogden stated that she asked Dr. Poulton about his reports and he said he would wait until the Board formally asked for them.

Ms. Taxin stated that she is formally asking for a summary to be submitted as soon as possible and then quarterly reports thereafter. She stated that the next meeting will be October 2, 2007 and the quarterly report should be submitted by mid September in order to prepare Dr. Ogden's file for the Board to review.

Dr. Haas reiterated that the first report is due now and the quarterly report should be submitted by the middle of September 2007.

An appointment was made for Dr. Ogden to meet again October 2, 2007.

10:20 A.M.

Dr. Michael Bjornson, Probationary Interview,
and Heidi Bjornson

Dr. Bjornson and Mrs. Bjornson met for his probationary interview.

Dr. Bjornson introduced his wife, Heidi.

Board members and Division staff introduced themselves to Mrs. Bjornson.

Dr. Merryweather conducted the interview.

Dr. Merryweather explained that this is a public meeting and Mrs. Bjornson is always welcome to attend with Dr. Bjornson. He asked Mrs. Bjornson if she would like to take some time and address the Board.

Mrs. Bjornson responded that she would have liked to attend with Dr. Bjornson every time he has had an appointment but has not been able. She stated that Dr. Bjornson has been on probation for 3 years and during that time things have happened in their private relationship. She stated that she believed it would be important to meet and explain to the Board some things that they have not been aware of. Mrs. Bjornson stated that Dr. Bjornson meeting the CE requirements did affect her and the family. Mrs. Bjornson stated that completing the CE was important to her as her father traveled through the years to complete his CE. She stated that the large amount of money they owe does affect the family. Ms. Bjornson explained that it costs them about \$250.00 every time Dr. Bjornson meets with the Board due to the time off work and the cost of travel. She stated that she understands penance and retribution for Dr. Bjornson's mistakes. Mrs. Bjornson stated that only she and Dr. Bjornson know what truly happened. She explained that Dr. Bjornson is away from his family much of the time. She stated that he is the father of 2 sons and is not around to do the father things, which is hard on them. Mrs. Bjornson stated that Dr. Bjornson has been in weekly supervision with Dr. Szykula for 3 ½ years. She stated that when someone is being helped to rehabilitate the stress should be reduced to help them. She stated that they want to move on in their lives and need support and help to do that as Vernal is a very small community and knows everything. Mrs. Bjornson stated that Dr. Bjornson's father was an Orthopedic Surgeon and a great man who she talked with often and respected. She stated that he would have come to talk to the Board if he had not passed away, so she came today.

Dr. Merryweather thanked Mrs. Bjornson for

coming today and addressing the Board and explaining some issues for the Board. He stated that the probation may appear to be overly punitive at times. He stated that if Mrs. Bjornson had been attending the meetings consistently she would see where the Board has been coming from. He stated that the Board can appreciate the stress this has been on their family. Dr. Merryweather stated that the Board reviewed Dr. Bjornson's CE and it appears to meet the requirement. He stated that another issue Mrs. Bjornson wanted addressed is the supervision under Dr. Szykula.

Dr. Bjornson interrupted Dr. Merryweather. He thanked the Board for excusing him from his last appointment due to his father's death. Dr. Bjornson explained that wanting to complete the CE was never an issue. He stated that there were other barriers that entered into that issue. Dr. Bjornson stated that he has reviewed the Order and Dr. Etringer's psychological evaluation. He stated that Dr. Etringer recommended re-evaluating. Dr. Bjornson stated that he understands the need for supervision. He explained that Dr. Szykula has now supervised about 6000 hours. He stated that he talked with Dr. Szykula regarding the supervision and Dr. Szykula is of the opinion that there are no issues regarding scaling back on the supervision for less frequency. He stated that Dr. Szykula would still be available if necessary. Dr. Bjornson stated that he believes Dr. Szykula has documented his concerns in the quarterly reports to the Board. He asked if the Board would consider less frequent supervision. Dr. Bjornson assured the Board that he would continue his therapy with Dr. Maas.

Ms. Taxin asked if Dr. Bjornson pays Dr. Szykula for the supervision.

Dr. Bjornson responded that he does not as he is employed by Dr. Szykula.

Mrs. Bjornson responded that Dr. Szykula has been very supportive but does require Dr. Bjornson to come to Salt Lake for the supervision hours.

Dr. Malovich asked if Dr. Szykula sends Dr.

Bjornson to Salt Lake.

Dr. Bjornson responded that Dr. Szykula does send him to Salt Lake.

Dr. Haas stated that the Stipulation and Order required Dr. Szykula to go to Vernal to review Dr. Bjornson's files, to observe, etc.

Dr. Bjornson responded that Dr. Szykula does not go to Vernal weekly. He stated that Dr. Szykula meets with him at the Vernal office about twice a year. Dr. Bjornson stated that he brings the files to Salt Lake for Dr. Szykula to review.

Mrs. Bjornson started to respond.

Ms. Taxin asked Mrs. Bjornson to let Dr. Bjornson respond as he is on probation and this is his probationary interview.

Dr. Bjornson responded that he was not aware of the requirement for Dr. Szykula to go to Vernal on a regular basis. He stated that Dr. Szykula does have access at any time to the office and the records.

Ms. Buhler asked how many of Dr. Bjornson's records are reviewed by Dr. Szykula at their weekly Salt Lake City appointments.

Dr. Bjornson responded that Dr. Szykula reviews the records of each client he has met with since their last supervision appointment.

Ms. Buhler asked if Dr. Bjornson is taping some of his sessions.

Dr. Bjornson responded that he is still taping all sessions with female clients.

Dr. Malovich commented that the concern of the Board is that Dr. Szykula should have access to all records.

Dr. Haas stated that one other concern was that someone be at the Vernal office whenever Dr.

Bjornson is at the office.

Mrs. Bjornson responded that she is at the Vernal office when Dr. Bjornson is there.

Dr. Haas clarified that Dr. Bjornson and Dr. Szykula have had the arrangement that Dr. Bjornson comes to Salt Lake once a week for his weekly supervision and review of his client files.

Dr. Bjornson responded that Dr. Haas is correct. He stated that during the summer he has been in Salt Lake on Thursdays and Fridays.

Dr. Merryweather asked if Dr. Bjornson would still be coming to Salt Lake if the supervision was dropped from weekly to monthly.

Dr. Bjornson responded that he would still come to Salt Lake in order to have the client base to support his family. He stated that he would like to increase the Vernal business but it is not possible at this time.

Dr. Haas asked how reducing the frequency of supervision would help Dr. Bjornson as he has confirmed that he would be coming to Salt Lake anyway and he does not pay for his supervision.

Dr. Bjornson responded that he works on a sliding fee scale. If the supervision was reduced to monthly he would have one more hour a week for another client. Dr. Bjornson stated that he now lives out of suitcase and sleeps on an air mattress when in Salt Lake. He stated that he loves being a Psychologist and has committed to making it work. Dr. Bjornson stated that he is not fully booked with clients in Vernal and needs the clients in Salt Lake to assist with the finances.

Dr. Haas made a motion to approve 2 hours of telephone supervision and 2 hours of face to face supervision each month.

Ms. Buhler asked how that proposal would help Dr. Bjornson.

Dr. Bjornson responded that Dr. Szykula is committed

to help him through this probation. He questioned if the telephone supervision would have any value. He stated that it would be helpful to have telephone supervision at times as he could still keep his appointment if he was in Vernal. Dr. Bjornson stated that he understood the Boards concerns.

Ms. Taxin commented that completing the CE was a positive for Dr. Bjornson. She stated that prior to that there was some frustration. Ms. Taxin suggested that maybe the supervision should be every other week with Dr. Szykula available at any time by telephone.

Ms. Taxin reminded that Board that there is motion on the floor and a second is required.

Dr. Haas restated his motion to approve 2 hours of telephone supervision and 2 hours of face to face supervision each month.

Ms. Buhler seconded the motion.

Dr. Merryweather asked if the telephone supervision and face to face supervision would address the Stipulation and Order requirements, the clinical issue and the concerns of the Board.

Dr. Malovich responded that she would like clarification regarding the terms of the telephone supervision and recommended it be lengthy enough to cover all issues. She stated that Dr. Szykula would have to attest to covering all issues. Dr. Malovich stated that she would propose weekly contact with Dr. Szykula.

Dr. Bjornson asked if electronic e-mail would be considered contact.

Ms. Buhler voiced concern that Dr. Szykula may not respond for several days.

Dr. Merryweather responded that an e-mail contact would change the fundamental process of supervision. He stated that he would be comfortable with telephone contact and Dr.

Szykula should determine the length of the contact.

Dr. Malovich requested a vote.

The Board vote was unanimous to approve 2 hours of telephone supervision and 2 hours of face to face supervision each month.

Ms. Taxin asked if Dr. Bjornson would like to address the Idaho issue he had mentioned.

Dr. Bjornson responded that when he went to Idaho for his father's funeral he checked with the Regional Health Center regarding job openings. He stated that he was offered an appealing offer of a per diem situation to work there. Dr. Bjornson explained that the children's center elected to withdraw the offer and he is appealing on September 11, 2007. He stated that he is interested in moving his family closer to the extended family and will be looking at options that are available for him.

Ms. Taxin asked him to keep her and the Board informed. She stated that he may be licensed in both States.

Ms. Taxin asked if there were any other issues Dr. Bjornson or the Board would like to address.

Mrs. Bjornson stated that Dr. Bjornson is taking care of his family with all the hurdles of being a father. She stated that they live in a very small community where everyone is aware of wrong and right things everybody does in the community. Mrs. Bjornson stated that Dr. Bjornson will have to deal with National Health Services and if they will not allow him to move on in his life because he is on probation then the Board would need to address that issue.

Ms. Taxin stated that the Board would address the Utah probation if it becomes an issue.

Dr. Bjornson stated that he has looked into working in the Veterans Administration system and they have told him he cannot have any restrictions on his license when he applies.

Ms. Buhler commented that she has been the public person on Boards for 15 years and is a stay at home Mother. She stated that she understands the impact it would have on the family if her husband did not have employment. She stated that the Board understands Mrs. Bjornson's frustration and feelings but the Board is charged with the protection of the public and that must come first.

Ms. Taxin stated that Dr. Bjornson has now completed all the requirements of his Stipulation and Order except the time frame.

An appointment was made for Dr. Bjornson to meet again on October 2, 2007.

10:40 A.M.

Dr. Charles McCusker, Probationary Interview

Dr. McCusker met with the Board for his probationary interview.

Dr. Haas conducted the interview.

Dr. Haas asked Dr. McCusker to update the Board on how he is doing on completing the elements of his Memorandum of Understanding (MOU).

Dr. McCusker responded that he has completed one course on ethics. He stated that he and the Board discussed his attending a Social Work workshop which will not be held until November 2007.

Dr. Haas reminded Dr. McCusker and the Board that he has 12 hours to complete and the Board has approved 6 hours. He stated that the CE requirement must be completed by April 2008.

Dr. McCusker stated that he was not clear in regard to completing the regular hours of CE for renewing his license. He stated that he believed that those hours must also be pre-approved by the Board.

Dr. Haas responded that Dr. McCusker is required to complete 48 hours of CE in the 2 year period for the renewal of his license. He explained that the 12 CE hours for the MOU are in addition to the 48

required for renewal. Dr. Haas again stated that Dr. McCusker has completed 6 of the MOU required CE hours and must have the remaining 6 hours pre-approved by the Board, but not the regular 48 hours.

Ms. Taxin stated that Dr. McCusker mentioned the Social Work CE workshop. She stated that he must confirm with her and/or the Board if he is planning to attend that workshop in order for the approval to be given. She stated that there is an APA Conference coming up and it might be beneficial for Dr. McCusker to attend.

Dr. McCusker responded that the Social Work workshop has not published an agenda yet and he is not sure if he will request approval for the workshop.

Ms. Taxin stated that Dr. McCusker will need to submit an agenda for her and/or the Board to review if he decides he wants to attend the workshop. She suggested he contact Kym Meyer at the Utah NASW Association for additional information.

Dr. Haas stated that the Board will wait on the CE approval. Dr. Haas reminded Dr. McCusker that he was to submit a business plan for review. He asked if the business plan was submitted.

Dr. McCusker responded that he has not completed the business plan as he did not know what the Board really wanted. He asked if there was a model that he could review to assist him in writing a business plan.

Ms. Taxin stated that there is no model for Dr. McCusker to review. She stated that the Board needs to know what his plan of practice, billing, supervision, the focus of his work, ie: if he works mostly with children or adults, etc. She suggested he include a copy of his consent form, the hours of his practice and how he will handle coverage of his clients when he goes on vacation. Ms. Taxin stated that the business plan does not have to be complicated.

Dr. Malovich commented that the business plan should be an informal plan for the Board to review.

Dr. Haas requested the business plan be completed and submitted by mid September for the Board to review at the October 2, 2007 meeting.

Ms. Taxin suggested Dr. McCusker think through his plan and review it with his supervisor to critique before submitting it.

Dr. Haas asked where Dr. McCusker sees his patients.

Dr. McCusker responded that he sees his patients where they are. He explained that he has 4 or 5 clients at this time. He stated that he has been fixing up his own residence and soon he could see clients in his home. Dr. McCusker stated that he could register his practice as an LLC business.

Dr. Haas commented that the Board is concerned about how he is currently conducting therapy.

Dr. Malovich asked Dr. McCusker to explain his source of reimbursement.

Dr. McCusker responded that he has Vocational Rehabilitation payments for some of his clients, one client pays privately and another has AETNA payments. He stated that he does not have difficulty locating clients.

Dr. Haas asked how Vocational Rehabilitation gets in contact with Dr. McCusker.

Dr. McCusker responded that clients tell him they are through Vocational Rehabilitation and he bills Vocational Rehabilitation. Dr. McCusker stated that he signed up to be a Medicare provider for electronic billing but has not had a need to use it yet.

Dr. Malovich stated that as his practice increases he will need to make a decision regarding where to locate his practice.

Ms. Taxin reminded Dr. McCusker that if he uses his home for his practice he must have an office in the home that is used only for therapy and is not part of his private living space. She stated that his supervisor should review his home office to be sure it is an appropriate office for his practice.

Dr. Haas stated that the Board wants to hear his plan to be sure he is a professional as a Psychologist. He stated that if Dr. McCusker does any custody evaluations they need to be reviewed.

Dr. McCusker responded that the clients he has worked with appear to be happy with the therapy. He stated that he will never be doing any custody evaluations.

Ms. Taxin stated that she and the Board will continue to ask about the custody evaluation periodically.

Dr. Haas asked Dr. McCusker to explain the arrangement he has with Dr. Burgess for supervision.

Dr. McCusker responded that the requirement is to meet once a month for 3 months.

Ms. Taxin commented that the supervision reports are due monthly for 6 months and then, with Board approval, the reports will be due quarterly.

Dr. Haas stated that the MOU does require monthly reports for 6 months and then quarterly when the Board approves.

Ms. Taxin asked Dr. McCusker to be sure to block out the name and address of his clients when he submits copies of his billings. He explained that this is a protection of the privacy of his clients.

Ms. Taxin stated that she and the Board are not reviewing the billings for the patients personal information or payment of fees but are reviewing to be sure he is billing properly.

Dr. Malovich asked how frequent Dr. McCusker meets with his supervisor.

Dr. McCusker responded that they meet once a month but talk frequently on the phone.

Dr. Merryweather commented that regularly scheduled meetings with the supervisor are important.

Ms. Taxin stated that the MOU does not have a specific requirement. She recommended Dr. McCusker meet weekly with his supervisor for now as he is just starting out again in his practice and need more frequent supervision. She stated that they could meet every other week in person and talk on the phone weekly.

Dr. McCusker responded that he will have to discuss meeting every other week and talking weekly by phone with his supervisor but believed they would be able to work out that arrangement.

Dr. Haas made a motion that Dr. McCusker's supervision is defined as meeting weekly with 2 in person meetings per month and 2 telephone meetings per month that are lengthy enough for the supervisor to understand Dr. McCusker's clients and to understand Dr. McCusker's practice.

Dr. Merryweather seconded the motion.

The Board vote was unanimous.

Dr. McCusker responded that he will talk with his supervisor. He then asked the Board to explain the ethics for advertising.

Dr. Haas responded that he did not understand the question but Dr. McCusker should review the ASPPB Code of Conduct and the APA Code of Conduct.

An appointment was made for Dr. McCusker to meet again October 2, 2007.

Dr. McCusker informed the Board that he will be obtaining his business cards today.

Ms. Taxin and Dr. Haas requested he attach a card to his business plan.

11:00 A.M.

Proposed Rules Review

Dr. Nanci Klein met with the Board for the review of the proposed Rules.

Ms. Taxin requested the Board to review R156-61-102(5) under Definitions. She explained that she added "Program accredited by the Committee on Accreditation".

Dr. Haas responded that individuals will be required to enroll in a specific program.

Ms. Taxin moved on to R156-61-302a under Qualifications for Licensure – Education Requirements. She stated that the Committee on Accreditation name has not been changed. Ms. Taxin stated that she contacted ASPPB and looked on their website for a different name and could not find one.

Dr. Klein responded that the Committee on Accreditation does have a new name but she is not sure if they have released it yet. She stated that the name was changed a couple of years ago and is still in Committee.

Ms. Taxin stated that if the new name has not been disclosed she cannot change it in the Rules. She asked Dr. Klein to notify her when the name change has been made public.

Dr. Klein responded that she would notify Ms. Taxin when the Committee on Accreditation name officially changed.

Ms. Taxin moved on to R156-61-302a(1)(a). She informed the Board that she added (a)(i) and (ii) which reads: (a) if the doctoral degree program qualifying the applicant for licensure is accredited at the time of graduation by the Committee on Accreditation (CoA) of the American Psychological Association

requirements (b) through (m) of Subsection R156-61-302a(1) are considered met; (i) the applicant must graduate from the actual program which is accredited by (CoA); no other program within the department or institution qualifies unless separately accredited; and (ii) if the transcript showing the awarding of the qualifying degree does not uniquely identify the qualifying (CoA) accredited degree program, it is the responsibility of the applicant to provide signed, written documentation from the program director or department chair that the applicant did indeed graduate from the qualifying accredited degree program.

The Board had no comments or recommended changes.

Ms. Taxin moved to 302a(2). She explained that this was added and ties into the respecialization section. Ms. Taxin read this section to the Board. It reads: (2) An applicant whose doctoral degree training is not designed to lead to practice or who wishes to practice in a substantially different area than the training of the doctoral degree may complete a formal respecialization program (see Subsection R156-61-102(6) to meet requirements (e), (f), (i) through (l) above this Subsection. The options under Subsection R156-61-302a(3) shall not apply.

The Board had no comments or recommended comments.

Ms. Taxin moved on to R156-61-302b. Qualifications for Licensure – Experience Requirements. Ms. Taxin stated that she received a call regarding the requirement for supervision twice a week versus supervision once a week. She stated that she could not find anything addressing frequency in the Rules but this section does address the supervision. Ms. Taxin stated that she included (d) which reads: be completed while the applicant is under supervision of a minimum of 1 hour of supervision for every 20 hours of pre-doctoral training and experience and 1 hour for every 40 hours of post-doctoral training and experience.

Dr. Klein responded that the training is done following the awarding of the degree.

Ms. Taxin stated that the training is to be completed in not less than 2 years and not more than 4 years.

Dr. Klein responded that the intent is to put a limit on how long an individual takes to complete the post doctorate hours.

Dr. Haas responded that it is also to prevent collection of more than 2000 hours in one year.

Ms. Taxin stated that she understands the intent but it implies that work experience is required after graduation. She stated that these are hours not completed prior to the doctorate degree.

Dr. Malovich asked if pre-doctoral hours are being accepted then why would there need to be a limit on the post-doctoral hours.

Ms. Taxin explained that the new Law allows for all 4000 hours to be accumulated pre-doctorally. She stated that if the individual does not complete the hours pre-doctorally they may apply for the Psychology Resident license to complete the hours post-doctorally. She stated that the intent is that 2000 hours cannot be collected in less than 1 year and not more than 4 years following the awarding of the doctoral degree.

Dr. Klein stated that there will still be some individuals that have graduated and not completed the full amount of hours.

Dr. Malovich stated that there will be some who may take 7 years to complete their doctoral degree and hours.

Ms. Taxin asked the Board if there should be a specified ending date, such as, in not less than 2 years and not more than a specific number of years.

The Board agreed that there should be a specified number of years to complete the experience.

Ms. Taxin recommended it read: Following the

awarding of the doctoral degree or respecialization certificate in not more than 4 years.

Dr. Klein responded that any training not completed pre-doctorally must be completed in not more than 4 years following the awarding of the doctoral degree.

The Board agreed.

Ms. Taxin stated that she will work on the specific language.

Ms. Taxin moved on to R156-302(b)(c) which reads: be completed in not more than 40 hours per week for any full-time pre-doctoral internship and post-doctoral training and experience and not more than 20 hours per week for any other pre-doctoral training experience.

The Board agreed.

Dr. Haas asked the Board to review R156-61-302b(6) and recommended it be numbered as (5) for consistency. He stated that he does not understand why it would be pertinent as everyone is required to demonstrate they meet the criteria for licensing.

Dr. Klein responded that this section allows for equivalency education.

Ms. Taxin explained that there are agencies who evaluate foreign education for equivalence and this section address that equivalent education.

Dr. Klein commented that there are individuals who complete all the coursework for the masters program, have taken the preliminary courses and then take some time off before completing the doctorate program. She stated that some of these individuals work 40 hours a week during their time off of their education because they have the time to work.

Dr. Haas responded that the idea is that an individual cannot count more than 20 hours a week as they should be focusing to complete their

education.

Dr. Klein recommended the Rules provide for these individuals as they are in professionally trained work programs.

Ms. Taxin suggested the Rule include “unless approved by the Board”. She explained that with this language the student would then come before the Board for approval.

Ms. McCall commented that the Division has to be careful pre-approving education and/or experience for unlicensed individuals.

Dr. Klein commented that these individuals would be in school. She recommended the education and experience be compared to Law school and Medical school. She explained that they are in supervised clinical experience programs and being trained as a clinical Psychologist.

Dr. Haas reminded the Board that there are individuals who have their own agendas such as professors wanting a waiver from licensure, individuals wanting to use the post Master program was a waiver, etc. He stated that in the first year of graduate school they figure out their field placement and after 2 years they could accumulate enough hours to be licensed upon graduation. He stated that the faculty waiver has been taken out and the post masters degree experience has been taken out of the new Law.

Dr. Klein responded that the waiver for faculty has not been deleted from the new Law. She stated that they do not meet the same requirements but they do have to be licensed.

Dr. Malovich asked what the down side would be for the Board pre-approving education and/or experience.

Ms. Taxin responded that students will be calling her and her staff asking for approval of their education and/or experience before taking classes and before working. She explained that only licensees are under

our regulation and these individuals would not be licensed.

Ms. Taxin recommended the pre-doctoral hours be capped at 40 hours.

Dr. Carpenter commented that individuals in an education program should not overdo the experience. He stated that they need a good body of knowledge as well as clinical experience.

Dr. Klein responded that there are some who have completed their education but have not completed dissertation. She stated that a cap of 40 hours a week would limit their work hours.

Ms. Taxin recommended the Rule be left as it reads.

Dr. Klein asked why the Board is concerned about the hours being completed in 2 years or 4 years.

Dr. Haas responded that the concern is that there are education programs that are degree mills and quickly put out graduates.

Ms. Taxin stated that she does not want to make a Rule for one person. She stated that she would deal with a personal issue herself on a personal basis.

Dr. Klein stated that too often highly qualified individuals are punished.

Dr. Haas commented that individuals who find out how to work the system foul it up for those who are ethical and work within the system. He stated that the change in Rules has improved the lives of individuals by one year. He stated that there were some concerns when the Law was changed and made experience requirements more flexible.

Dr. Klein asked why the Board would recommend allowing 40 hours a week of experience for an intern, assuming they are less trained than someone who has not completed an internship, and not allow someone who has completed an internship to work 40 hours a week.

Dr. Carpenter responded that BYU will not allow students to work 40 hours a week as they need to concentrate on completing their dissertations. He asked Ms. Taxin how the hours will be monitored.

Ms. Taxin stated that the hours will not be monitored. She stated that when an application is submitted the hours will be documented on the verification of supervision form.

Dr. Haas recommended the Rule be pre-doctoral post internship hours may be accrued at 40 hours a week.

The Board agreed.

Ms. Taxin stated that she will add post internship.

Ms. Taxin moved on to R156-61-302e. Duties and Responsibilities of a Supervisor of Psychology Training and Mental Health Therapist Training.

The Board read (1) and recommended direct supervision be included so it will read: (1) be professionally responsible for the acts and practices of the supervisee which are a part of the required supervised training, including direct supervision, supervision of all activities requiring a mental health therapy license.

The Board reviewed R156-61-302e(3) and requested Ms. Taxin to clarify the training.

Ms. Taxin moved on to R156-61-302e(4). She stated that the original Rules were qualifying someone for a Psychology Resident license. She explained that the Resident license was for individuals to complete the collection of their training hours and then take the required examination. She stated that if all the hours are completed prior to graduation the new graduate could not work until they have taken and passed the required examinations and become licensed which may take about 4 months or longer. Ms. Taxin stated that if the hours are not completed the new graduate could apply for the Resident license to complete their

hours. She explained that they cannot take the EPPP examination or the Utah Laws and Rules examination until after graduation.

Dr. Klein and Ms. Taxin both agreed and clarified that the issue is those who have completed all their hours should not be punished as they cannot work until they are licensed as a Psychologist versus those who have not completed all their hours, are eligible to be licensed as a Resident after graduation and can work until they complete the hours, take the examinations and become licensed as a Psychologist.

Ms. Taxin stated that the hours are not verified until an application for licensure is submitted.

Dr. Haas stated that he does not believe it would reward those who are not licensed as insurance companies will not reimburse until they are licensed.

Ms. Taxin moved on to R156-61-302c. Qualifications for Licensure – Examination Requirements. She asked the Board if there were any comments regarding the examinations.

Dr. Carpenter asked if the Board believes the EPPP examination should be open ended so that individuals who fail will be able to just keep retaking until they pass. He stated that some States have the requirement that the EPPP examination may only be taken 3 times and then the individual cannot take it again. He stated that this eliminates those who are unable to pass the EPPP. He stated that there are some States who allow the EPPP to be taken a specified number and then the individual must meet with the Board for approval for another specified number of times before they are eliminated.

Dr. Merryweather responded that if a specific number is not included then the EPPP examination may be taken forever. He stated that if a specific number is given and an individual cannot pass there might be a very qualified person unable to be licensed. He recommended a specific number be listed and then the individual meet with the Board

to develop a plan of study.

Ms. Taxin asked what number the Board would recommend and if an individual failed and came back years later to request permission to try again, what would they recommend.

Dr. Merryweather responded that if an individual has not been connected in the field for many years there would be the question of competency to practice. He explained that the EPPP provides a sample of the knowledge of the profession.

Ms. Taxin stated that if an individual cannot pass the EPPP in the specified number of times then maybe they should not practice.

Dr. Malovich recommended the Rules allow for 3 times and then allow for 1 more try after the individual meets with the Board.

Ms. Taxin recommended 3 times and then 2 more after meeting with the Board.

Dr. Carpenter commented that he agrees with the Board having the ability to allow up to 2 more retakes after meeting with the Board. He stated that he does believe that there are also some instances when the Board needs to say no more retakes.

The Board recommended individuals be allowed to take the EPPP 3 times and the Board may allow up to 2 more retakes.

Ms. Taxin moved to R156-61-302h. Continuing Education.

Dr. Klein stated that she agrees with R156-61-302h. Continuing Education. She stated that she appreciated Ms. Taxin including requirements for ethics and law, internet or distance learning courses and regular peer supervision.

Dr. Merryweather recommended (5)(c) be changed from ethics and law to “ethics/law”.

Board members agreed.

Dr. Carpenter recommended (5) include the wording “in a 2 year period” and take the 2 year period wording out of (b)(c)(d) and (f).

Board members agreed.

Ms. Taxin moved on to R156-61-502. Unprofessional Conduct.

Dr. Haas asked Ms. Taxin to explain (16) as he did not understand it.

Ms. Taxin read (16) Unprofessional conduct includes: (16) use of a professional client relationship to exploit for personal gain a person who is known to have a personal relationship with that client.

Board members agreed with the clarification change in the language of (16).

Dr. Carpenter recommended (21) be changed to read: supervising a residency program of an individual who is not “licensed or a” certified psychology resident.

Board members agreed with the clarification change.

Ms. Taxin stated that she added (22) which reads: practicing beyond one’s competence as demonstrated by both formal education and supervised experience.

Dr. Haas recommended Ms. Taxin change the language to be “by both formal and/or supervised experience”.

Board members agreed.

Ms. Taxin requested the Board to review R156-61-201(2) regarding qualified faculty.

Following discussion, the Board and Dr. Carpenter suggested (2) read: “Qualified faculty”, as used in Subsection 58-1-307(b), means that university faculty members providing pre-doctoral

supervision of clinical or counseling experience, that is experience in a university setting “that is part of the university program” and the remaining portion of the Rule remain as written.

Ms. Taxin thanked the Board, Dr. Carpenter and Dr. Klein for their input and stated that she will make the recommended changes.

Dr. Haas made a motion for Ms. Taxin to make the recommended changes in the Rules and start the process for a Rules Hearing.

Ms. Buhler seconded the motion.

The Board vote was unanimous.

The Board thanked Ms. Taxin for all her effort in writing the proposed Rules.

Dr. Klein asked Ms. Taxin to e-mail the final draft of the proposed Rules for her to circulate them to the Association for input.

Ms. Taxin stated that she will send a copy of the proposed Rules to Dr. Klein when she completes the revisions that were suggested today.

Ms. Taxin informed the Board that the revision of the application will come next.

DISCUSSION ITEMS:

Global Definitions of Levels of Supervision

Ms. Taxin explained that Mr. Stanley met with the Legislative Committee who gave him a global definition for supervision and requested he have the Boards review their Laws and Rules to try to standardize their definitions.

Ms. Taxin asked the Board if they believe their definitions regarding supervision are adequate or if they believe the definitions of supervision need to be adjusted. She stated that the Board could review the proposed global definitions and discuss now or be prepared to discuss and make recommendations at the next scheduled Board meeting.

Dr. Merryweather stated that, after today's discussion on the Rules, he believes the Board needs to define more clearly what is meant by supervision especially when it is in a Stipulation and Order.

Ms. Taxin responded that supervision in a Stipulation and Order would be different than defining supervision in the Rules.

Ms. Taxin briefly reviewed the information and asked the Board if their supervision definitions are specific enough to protect the public and if the supervisor knows what is really required in supervising. She reminded the Board that their Rules address the duties and responsibilities of the supervisor. Ms. Taxin stated that in the Mental Health Therapy Practice Act Rules it mentions General Supervision. She recommended the Board review those Rules.

Dr. Merryweather asked if the Board recommended these definitions be used if they would be included in the Psychology Rules.

Ms. Taxin responded that he is correct in that the Psychology Rules would include these definitions. Ms. Taxin requested the Board to take the information with them and be prepared to give their position at the next scheduled Board meeting.

CE Requirements Face-to-Face only or ½
Internet and ½ in Person

Ms. Taxin stated that the question of possibly including internet CE has been addressed during the proposed Rules discussion.

FYI

Ms. Taxin notified the Board that Dr. Bruce Etringer has been appointed as the new Board member. She stated that he will not be doing psychological evaluations for any Psychologists as he is on the approved evaluator list. Ms. Taxin reminded the Board that Dr. Etringer did Dr. Ogden's psychological evaluation. She stated that he will disclose that when Dr. Ogden meets and ask if she is comfortable with him participating during her appointments. Ms. Taxin stated that Dr. Ogden may request him to leave during her appointments or she may agree to his participation.

Board members thanked Ms. Taxin for the notification.

CORRESPONDENCE:

ASPPB Notice of 2007 Annual Meeting

The Board reviewed the ASPPB notification of their annual meeting to be held October 17 through 21, 2007.

Ms. Taxin asked Board members to notify her if anyone would like to attend the meeting and she will try to get approval for funding one Board member.

Board member responded they would be unable to attend.

ASPPB Minutes from the April 2007 Board of Directors Meeting

The Board reviewed the ASPPB minutes. **No Board action was taken.**

FYI

Dr. Haas informed the Board that he would be unable to attend the September 14, 2007 Utah Association meeting. He asked if another Board member would be available to attend.

Board members responded that they would not be available and recommended Dr. Haas notify the Association that he would be absent for that meeting.

Next meeting changed.

The Board requested the October 2, 2007 Board meeting be changed to September 26, 2007, from 12:30 to 4:30.

NEXT MEETING SCHEDULED FOR: September 26, 2007

ADJOURN: The time is 2:10 pm and the meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 26, 2007
Date Approved

(ss) Natalie Malovich
Chairperson, Utah Psychology Licensing Board

August 23, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing